

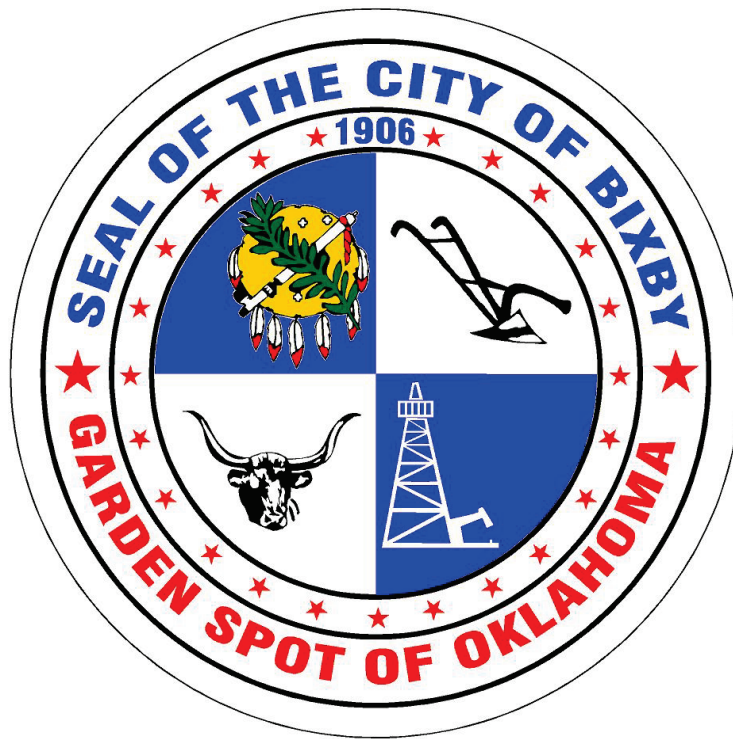
CITY OF BIXBY, OKLAHOMA
A MUNICIPAL CORPORATION

Bixby City Charter

Charter of the City of Bixby, Oklahoma

Draft Prepared by Patrick Boulden

09/15/2011



The Charter of the City of Bixby, Tulsa County, Oklahoma was voted upon and approved by the qualified electors of the City of Bixby on September 14, 1993 and was thereafter approved by David Lee Walters, Governor of the State of Oklahoma, on December 16, 1993.

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**HOME RULE CHARTER
CITY OF BIXBY
STATE OF OKLAHOMA**

Prepared from April 13, 1993, to July 12, 1993
By the Freeholders of the City of Bixby

Freeholders:

Jack Ramsey - Chairman
Virgil Cox
Tom Daniels
Mike Jones
David Mills
William Pittman
Curt Risner
Scott Sherill

Dated: September 14, 1993

The Charter of the City of Bixby, Tulsa County, Oklahoma was voted upon and approved by the qualified electors of the City of Bixby on September 14, 1993 and was thereafter approved by David Lee Walters, Governor of the State of Oklahoma, on December 16, 1993.

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CHARTER OF THE CITY OF BIXBY, OKLAHOMA

PREAMBLE

We the people of the city of Bixby, exercising the powers of home rule granted to us by the constitution and laws of the state of Oklahoma, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this charter of the city of Bixby, Oklahoma.

ARTICLE 1

Section 1.1 Incorporation

The city of Bixby, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity and under the name of "city of Bixby". It shall succeed to and possess all property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the city of Bixby; and shall be liable for all debts and other obligations for which said corporation is now liable, and shall have the power to adopt a common seal and alter the same at pleasure, to sue and be sued in all courts, to make contracts, to take and acquire property by purchase, condemnation or otherwise, and to hold, lease, mortgage, convey or otherwise dispose of any of its property within or without the limits of said city, and it shall have such other powers, rights, privileges, franchises, and immunities as granted and conferred by any part of this charter or by the constitution and laws of the state of Oklahoma.

Section 1.2 Form of Government

The municipal government provided by this charter shall be known as a "council-manager government". All powers of said city shall be exercised in the manner prescribed by this charter, or if the manner is not thus prescribed, then in such manner as prescribed by the latest statutes of the state of Oklahoma, or as the council may prescribe by ordinance.

Section 1.3 Boundaries

The boundaries of said city, and the respective wards thereof shall be the same as at the time of the adoption of this charter and until changed as provided by law.

Section 1.4 General Grant of Power

Said city shall have all other powers that may hereafter be given it by the constitution and the laws of the state of Oklahoma, and where any provisions of this charter shall be in conflict with any law or laws relating to cities of the first class in force at the time of adoption and approval of this charter, the provisions of this charter shall prevail, and said city shall have the power to enact and enforce all ordinances necessary to protect health, life, property, and financial viability and define, prevent and summarily abate and remove nuisances; to preserve and enforce good government and order, and to protect the financial viability of said city, the lives, health,

and property, of the inhabitants thereof; to enact and enforce all ordinances upon any subject; provided that no ordinance shall be enacted inconsistent with the general laws of this state, the state constitution or this charter.

Section 1.5 Bequests, Gifts, and Donations

Said city may receive bequests, gifts, and donations of all kinds of property in fee simple or in trust for charitable or public purposes and perform all acts necessary to carry out the purposes of such bequests, gifts, donations, or trusts with power to manage, sell, lease, or otherwise dispose of same in accordance with the terms of the bequests, gift, donation or trust.

Section 1.6 General Grant of Powers Not Limited

The legislative, executive, and judicial powers of said city shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this charter shall never be construed as limiting or impairing the effect of the general grant of powers hereby made.

Section 1.7 Former Government in Force

All existing ordinances of said city shall be and continue in full force and effect unless in conflict with this charter or until amended or repealed or until they expire by their own limitations, and no existing right, action (civil or penal), court proceeding or contract, shall be affected by the change in the form of government of said city; but shall all continue as though no such change had taken place; and all debts, penalties and forfeitures which have accrued, or which may hereafter accrue by virtue of anything heretofore done or existing shall inure to the benefit of the city of Bixby and may be sued for and recovered by the said city as though this charter had not been adopted. Nothing here, however, shall legalize any invalid indebtedness of the city heretofore contracted or incurred, or impair any defense, against the payment of the same; nor shall the adoption of this charter in any wise interfere with any proceedings heretofore instituted relating to the levy and collection of taxes, special assessments, or levies of any nature or with any proceedings to enforce the payment of the same, and all contracts heretofore entered into by the said city shall remain in full force and effect and be completed under the ordinances existing at the time of the adoption of this charter.

Section 1.8 Intergovernmental Relations

Said city may exercise any of its powers or perform any of its functions and may participate in the financing, leasing, operation, conveying or otherwise disposing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, cities or towns within the state of Oklahoma, civil divisions, or agencies thereof, or the United States or agency thereof.

Section 1.9 Planning, Zoning and Subdivision Regulations: General Grant of Power

The city of Bixby shall have full power to promote the public health, safety, morals, and general welfare by regulating the use of property and by controlling and directing the

development of the city, through the exercise of the complete powers necessary and proper to carry and maintain these and all powers into full effect, within the city limits, to the fullest extent permissible under the constitution of the United States and constitution of this state. The exercise of the powers of planning, zoning and subdivision regulation within the city always shall be in pursuance of this grant of authority and not under state statutes or law, except with respect to those matters of general state concern as to which state law controls under the state constitution. The city also may exercise powers of planning, zoning, and subdivision regulation granted by the state in respect to matters of general state concern, as aforesaid, and also in respect to property situated outside the city limits.

ARTICLE 2 THE COUNCIL

Section 2.1 Councilmembers: Number, Qualifications

(a) There shall be a council of five (5) members, which shall consist of one councilmember from each of the five (5) wards of the city.

(b) Only registered voters of the city of Bixby, Oklahoma, who have resided for six months prior to the election within the respective ward from which they seek to be elected or appointed to fill a vacancy, shall be qualified for the offices of council member. Upon election or appointment, as the case may be, such council member shall continue to reside within the ward from which they are elected, or appointed, during the entire term of said council member's office, or upon removal of residence therefrom, forfeit such office. No council member may hold any office in the city government through appointment by the city manager or by any subordinate of the city manager. If any council member is convicted of a crime involving moral turpitude, the office shall immediately become vacant. (Election 11-7-2006)

***Annotation:** Subsection 2.1(b) of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on November 7, 2006 and was thereafter approved by Brad Henry, Governor of the State of Oklahoma, on January 4, 2007. This amendment was submitted to the voters by initiative petition. From December 16, 1993 until January 4, 2007, the following version of Subsection 2.1(b) was part of the Bixby City Charter:*

"(b) Only registered voters of the city who reside in the respective wards from which they seek to be elected or appointed to fill a vacancy, shall be qualified for the offices of councilmember. Upon election, or appointment, as the case may be, such councilmember shall continue to reside within the ward from which elected or appointed during the entire term of said Councilmember's office, or upon removal of residence therefrom, forfeit such office. No councilmember may hold any office in the city government through appointment by the city manager or by any subordinate of the city manager. If any councilmember is convicted of a crime involving moral turpitude, the office shall immediately become vacant."

(c) **Term of Office, Salary and Qualifications.** Each of said officers shall hold his office until his successor is elected and qualified, unless sooner removed as hereinafter provided. Each councilmember shall hold office for a term of four (4) years. No person shall be eligible to be a councilmember unless he is a citizen of the United States and of the State of Oklahoma, at least twenty-five years of age, a resident of said city at least one year next prior to his election, and a

registered voter of said city and Ward from which he seeks election. No elected officer will receive any compensation other than expenses that are approved earlier by the council in an open meeting. Additional ordinances may be written to clarify the method that a councilmember may be reimbursed for any expenses while serving in his elected capacity.

(d) **Official Oath and Bond.** Said councilmembers and all other officers of the city, upon entering the duties of their offices, shall take the oath of office prescribed by the constitution of this state. Said city treasurer shall give a good and sufficient bond in such sum as may be required by ordinance, to be approved by the council, for the faithful performance of the duties of his office. All other officers and employees of the city shall give such bonds as the council may, by ordinance, require.

(e) **Vacancies in Office.** A vacancy shall exist when an elective officer fails to qualify within twenty days after notice of his election, dies, resigns, removes from said city, absents himself therefrom for a period of ninety days, except on an account of sickness, is convicted of a felony, or is otherwise legally disqualified. Also, a vacancy shall occur in the office of a councilmember when any councilmember removes from the ward from which he was elected.

(f) **Former Officers Retained.** All officers, appointees, and employees of the present corporation of the city of Bixby shall continue in their respective offices and employment upon adoption of this charter and the organization of the new city government until their services are dispensed with by order of the council or the city manager or as prescribed by this charter. The council shall, by majority vote, fill all vacancies where this charter provides for appointments to be made by the council; the city manager shall fill all vacancies where this charter provides for the appointment to be made by the city manager.

Section 2.2 Mayor and Vice Mayor

(a) At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmembers, or as soon thereafter as practicable, the council shall elect from its membership a mayor and a vice mayor, who shall serve until the time prescribed for the beginning of the terms of the next newly elected councilmembers.

(b) The mayor shall preside at meetings of the Council. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no administrative duties except that he shall sign such written obligations of the city as the council may require. As a councilmember, he shall have all powers, rights, privileges, duties, and responsibilities of a councilmember, including the right to vote on questions.

(c) The vice mayor shall act as mayor during the absence, disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council from its membership for completion of the unexpired term and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice mayor for completion of the unexpired term.

Section 2.3 Council: Powers

Except as otherwise provided in this charter, all powers of the city including the determination of all matters of policy, shall be vested in the council. The council shall have power, subject to the state constitution, state law, and this charter:

- (a) To appoint and remove the city manager.
- (b) By ordinance to enact municipal legislation.
- (c) To adopt the budget, raise revenue, and make appropriations; and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries, wages, and other compensation of officers and employees, and all other fiscal affairs of the city.
- (d) To inquire in the conduct of any office, department, or agency of the city government, and investigate municipal affairs; and for this purpose, to subpoena witnesses, take testimony, and require the production of evidence.
- (e) To appoint or elect and remove the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory personnel and authorities, now or when and if established or to prescribe the method of appointing or electing and removing them.
- (f) To regulate elections, the initiative and referendum, and recall.
- (g) To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter; and to assign additional powers, duties and functions consistent with this charter to offices, departments, and agencies created by this charter.

Section 2.4 Council: Appointment and Removals

Neither the council, the mayor, nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority; or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately. If any councilmember violates this, the councilmember is to be reported to the city manager in writing. The city manager must then present the complaint to the councilmember. If the city manager gets any additional complaints after the initial complaint, then it is to be reported to the councilmembers in an open meeting to the public. Failure of the city manager to report this violation shall be grounds for termination.

Section 2.5 City Clerk to be Clerical Officer of the Council

The city clerk, hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings, and shall enroll in a book or books kept for the purpose of recording all ordinances and resolutions passed by it; shall be custodian of such documents, records and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; and shall attest, and affix the seal to documents when required in accordance with all applicable laws and ordinances.

Section 2.6 Council Meetings

The council shall hold at least one regular meeting every month, at such time as it may prescribe by ordinance or otherwise. Special meetings shall be called in accordance with state statute. All meetings of the council, except executive sessions held to discuss personnel matters, real estate, pending litigation or other matters as authorized by applicable law, shall be held open to the public, and the journal of its proceedings shall be open to public inspection. All agendas shall be posted in accordance with all applicable laws and all documents generated by publicly held meetings shall become a matter of public record.

Section 2.7 Councilmembers - Absences to Terminate Membership

If any member of the council is absent from more than one-half of all the regular and special meetings of the council held within any period of four consecutive calendar months, such person shall thereupon cease to hold office.

Section 2.8 Council Removal

Any councilmember may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby herein and by recall as provided in this charter.

Section 2.9 Council Vacancies

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms or until such successors are elected as provided in this section. If a vacancy occurs before the beginning of a regular filing period of candidates for councilmember, and the unexpired term extends beyond the time when the terms of councilmember elected that year begin, then a councilmember for that vacancy shall be elected at the elections of that year to serve the rest of the unexpired term beginning at the time the terms of councilmember elected that year begin. All elected officers and those appointed to fill vacancies, as herein provided, shall hold their respective offices, subject to the provisions of the recall, as herein provided, or until removed from office as provided by law.

Section 2.10 Council Quorum, Rules, Yeas and Nays

A majority of all the members of the council, including vacant or absent seats, shall constitute a quorum, but a smaller number may adjourn from day to day. The council may determine its own rules. On demand of any of its members, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Section 2.11 Ordinances Enacting Clause

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Bixby, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the people of the city of Bixby, Oklahoma".

Section 2.12 Ordinances, How Adopted

Three (3) members of the council shall constitute a quorum, and the affirmative vote of at least three members shall be necessary to adopt any motion or resolution or pass any ordinance, or other measure except as otherwise provided in this charter. Any member may request a roll call upon any vote and the clerk shall make a record of such vote. All ordinances, upon completion of the requirements stated herein and prior to or upon its effective date shall be filed of record at the county courthouse.

Section 2.13 Notice to Public, Effective Date of Municipal Ordinances

No ordinance, except an emergency ordinance, shall be adopted unless it be read in its entirety in two (2) consecutive regularly scheduled council meetings, and the gist of the ordinance and date it will be considered has been published in a newspaper of general circulation not less than ten (10) days prior to the date of its passage, and unless the gist of the ordinance and date it will be considered has been continuously posted at city hall, in some place accessible to the public, for at least ten (10) days prior to its passage. Every ordinance, except an emergency ordinance, shall go into effect thirty (30) days after its final passage, unless the ordinance specifies a later date. As soon as practicable after the final passage of any ordinance and prior to its effective date, it shall be published in a newspaper of general circulation.

Section 2.14 Emergency Ordinances

In case of a public emergency, the council may pass an emergency ordinance. Such emergency measure must state, in a separate motion, the reasons why it is necessary that the measure become effective immediately; the question of emergency must be ruled upon separately from the remainder of the ordinance and approved by an affirmative vote of at least four-fifths (4/5) of the city council. The emergency ordinance takes effect as soon as it is signed by the mayor or the mayor pro temp and attested by the city clerk.

Section 2.15 To be Signed and Published

Every ordinance passed by the council must be signed by the mayor or the mayor pro temp, when acting, attested by the clerk, with the seal attached and shall be recorded in the city clerk's office. It shall then be published in a newspaper of general circulation except as herein otherwise provided.

Section 2.16 Printed Ordinances Admitted in Evidence

All printed ordinances published by authority of the council shall, in all judicial proceedings in all courts, be admitted in evidence in accordance with state statute.

Section 2.17 Ordinances Adopted by Reference

The council by ordinance may adopt by reference codes, standards, and regulations relating to: 1) building's architectural, structural, mechanical, plumbing, and electrical installations; 2) environmental; 3) natural resources; 4) occupational; and 5) all other matters and/or services which it has power to regulate otherwise. Such code, standards, or regulations so adopted need not be enrolled in the book of ordinances. A copy shall be filed and kept in the office of the city clerk.

Section 2.18 Departments Included in Government

There shall be a police department, a fire department, a department of public works, a department of law, and other administrative departments, offices and agencies as the council may establish. If minimum requirements and qualifications have not heretofore been created by this charter for the above stated departments, the council shall create minimum qualifications for the individuals in these departments. Said qualifications shall be made a part of the Bixby city code, and shall be enacted by the council within three (3) months of the date this charter is approved.

Section 2.19 Ordinance Codification

The ordinances of the city shall be codified and published in book or pamphlet form in accordance with state statutes. A copy of all ordinances, codes, regulations, and standards shall be of public record and available for inspection at city hall any time during regular working hours. A recorded copy of all ordinances, codes, regulations, and standards shall be archived and regularly updated as required in accordance with this charter.

Section 2.20 Initiative and Referendum

The powers of initiative and referendum are reserved to the people of the city of Bixby. In the exercise of these powers, the requirements of the state of Oklahoma constitution and law shall be observed.

ARTICLE 3 CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3.1 City Manager: Contract, Term, Removal, Residency

(a) There shall be a city manager. The council may contract with the city manager for an indefinite term. The performance of the city manager shall be reviewed, at a minimum, on an annual basis. The hiring shall be approved by a four-fifths (4/5) vote of the council.

(b) At the time of appointment, the city manager need not be a resident of the city or state. The city manager must, however, reside within the limits of the Bixby school district, or the designated fence line of the city, during the tenure of office.

(c) The council may decide to withhold an offer for renewal upon a majority vote of the council. No cause need be given by the council should they choose not to renew.

(d) No councilmember may be appointed city manager or acting city manager during their term nor within two years after the expiration of said term.

Section 3.2 Minimum Qualifications

The city manager shall have a bachelor's degree in public administration or related field from an accredited university. Actual experience as a city manager or as an assistant city manager is preferred. (Election 4-1-1997)

***Annotation:** Section 3.2 of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on April 1, 1997 and was thereafter approved by Francis Anthony Keating, Governor of the State of Oklahoma, on April 12, 1999. From December 16, 1993 until April 12, 1999, the following version of Section 3.2 was part of the Bixby City Charter:*

"Section 3.2 Minimum Qualifications

The City Manager shall have a minimum of eight (8) years of creditable experience. A candidate shall have a Bachelor's degree from an accredited university. Creditable experience shall be determined as follows:

(a) A candidate shall receive one (1) year credit experience for each year of actual experience as a city manager of a comparable sized city.

(b) A candidate shall receive four (4) years of credit experience if he possesses a Bachelor's degree in Public Administration from an accredited university.

(c) A candidate shall receive two (2) years of credit experience if he possesses a Bachelor's degree from an accredited university in a subject area other than Public Administration.

(d) A candidate shall receive one (1) year of credit experience if he possesses a Master's degree from an accredited university.

(e) A candidate shall receive two-thirds (2/3) of one (1) year credit experience for each year of actual experience as an assistant city manager of a comparable sized city."

Section 3.3 Temporary Absence or Disability of City Manager

By letter filed with the city clerk, the city manager may designate, subject to majority approval by the council, a qualified city administrative officer to perform as acting city manager to serve during such times. If the city manager fails to make such a designation, the council may appoint an acting city manager to serve during such times. The council may remove an acting city manager at any time.

Section 3.4 City Manager - Powers and Duties

The city manager shall be the chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances of the city and administer the government. The city manager shall have the special powers and duties herein enumerated, and shall be directly responsible to the council for the proper administration thereof, to-wit:

(a) To insure that all laws and ordinances governing the city of Bixby are enforced.

(b) To appoint and to remove all directors or heads of departments and all subordinate officers and employees in such departments, subject to the majority approval of the council. The following department heads shall be subject to the terms of this section:

1. City treasurer
2. City clerk
3. Police chief
4. Fire chief
5. Director of public works
6. All other departments created

Appointment and removal under this section shall be made upon the basis of merit and fitness alone, including proper subordination. Preference shall be given to home labor when same is available.

(c) To exercise actual management, control and supervision of all departments of the city government, and to exercise all other administrative function, except as otherwise provided in this charter.

(d) To prepare and submit a monthly report to the council, compiled from monthly departmental status reports received by the city manager from department heads.

(e) To attend all meetings of the council with the right to take part in discussions, but having no vote.

(f) To recommend to the council for adoption, such measures as are necessary or expedient.

(g) To keep the council fully advised as to the financial condition of the city, both present and future.

(h) To prepare and submit to the council an annual budget for the city.

(i) To insure that all franchise rights and provisions are justly enforced.

(j) To submit to the council at each meeting thereof a list of recommendations for each of the items listed on the agenda, including appropriate support documentation to assist the council in its decision making process.

(k) To create such departments as are necessary and expedient for the efficient and economical administration of the affairs of the city, subject to the majority approval of the council.

(l) To investigate the affairs of all departments of the city, and to make appropriate recommendations to the council regarding the findings of such investigation.

(m) To insure that all city records are safe guarded from possible disaster, disposal or sabotage, and to make certain the city can continue operation at all times, without interruption.

(n) To perform all such other duties as may be imposed by this charter or by ordinance.

Section 3.5 Appointments by City Manager

Where the power to appoint individuals has been delegated to the city manager pursuant to the terms of this charter, no member of the council shall make recommendations to the city manager for the appointment of said individuals, unless such recommendation is requested by the city manager.

ARTICLE 4

Section 4.1 City Clerk

(a) The city clerk shall maintain an accounting system for the city government; and shall sign all checks and be responsible for the disbursement of all money; shall determine the regularity and correctness of all bills, invoices, payrolls, and other evidences of claims, demands or charges against the city government and audit and approve them before payment.

(b) The city clerk, as such, does not collect revenue for the city except as may be incidental to his duties as city clerk; in all cases where the law or ordinances provide that money shall be paid to the city clerk, it shall be paid instead to the city treasurer as city treasurer.

(c) The city clerk shall perform other duties as described in this charter.

Section 4.2 Qualifications: City Clerk

The city clerk shall have a minimum of two (2) years of experience as city clerk, bookkeeper or other relevant experience. (Election 4-1-1997)

Annotation: Section 4.2 of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on April 1, 1997 and was thereafter approved by Francis Anthony Keating, Governor of the State of Oklahoma, on April 12, 1999. From December 16, 1993 until April 12, 1999, the following version of Section 4.2 was part of the Bixby City Charter:

"Section 4.2 Qualifications: City Clerk

The City Clerk shall have a minimum of eight (8) years of creditable experience, said experience shall be determined as follows:

(a) A candidate shall receive four (4) years of credit experience if he possesses a bachelor's degree from an accredited university.

(b) A candidate shall receive one (1) year of credit experience if he possesses a master's degree from an accredited university.

(c) A candidate shall receive one (1) year credit experience for each year of actual experience as a City Clerk of a comparable sized city.

(d) A candidate shall receive two-thirds (2/3) of one (1) year credit experience for each year of actual experience as an Assistant City Clerk of a comparable sized city."

Section 4.3 Department of Finance: City Treasurer

There shall be a department of finance, the head of which shall be the city treasurer. The city manager shall interview and make recommendation to the council for its approval. Subject to and in accordance with this charter, applicable law and such ordinances and other policies as the council may adopt, the city treasurer or personnel under his supervision and control shall collect or receive revenue and other money for the city; shall be responsible for its custody, safekeeping, deposit, and disbursement; shall maintain a general accounting system for the city government; and shall have such other powers and duties consistent with this charter as may be prescribed by ordinance or applicable law. Reference to city treasurer shall be deemed to mean the director of finance unless the council by ordinance creates a separate office of city treasurer within the department of finance.

Section 4.4 Minimum Qualifications: City Treasurer

The city treasurer shall have a bachelor's degree in accounting or finance from an accredited university. (Election 4-1-1997)

***Annotation:** Section 4.4 of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on April 1, 1997 and was thereafter approved by Francis Anthony Keating, Governor of the State of Oklahoma, on April 12, 1999. From December 16, 1993 until April 12, 1999, the following version of Section 4.4 was part of the Bixby City Charter:*

"Section 4.4 Minimum Qualifications: City Treasurer

The City Treasurer shall have a minimum of eight (8) years of creditable experience. A candidate shall have a bachelor's degree in accounting of finance from an accredited university, which shall constitute four (4) years of creditable experience. The remaining four (4) years of creditable experience shall be determined as follows:

(a) A candidate shall receive one (1) year of credit experience for a master's degree in accounting or finance from an accredited university.

(b) A candidate shall receive one (1) year of credit experience if he possesses a certified public accountant license, more commonly referred to as "CPA".

(c) A candidate shall receive one (1) year credit experience for each year of actual experience as a City Treasurer of a comparable sized city.

(d) A candidate shall receive two-thirds (2/3) of one year credit experience for each year of actual experience as an Assistant City Treasurer of a comparable sized city."

Section 4.5 Department of Public Works

There shall be a department of public works, the head of which shall be the public works director. The city manager shall interview and make recommendations to the council for the applicant's approval. Subject to and in accordance with this charter, applicable law and such ordinances and other policies as the council may adopt, the public works director shall be responsible for the proper management and operation of all public utilities, streets, storm water management, engineering and perform such other duties as the city manager may prescribe. His duties shall include budget management, the appropriate allocation of resources (both monies and personnel), and knowledge of all federal, state and local regulations as required to manage and operate the public works department. The public works director may fulfill the duties of the city engineer for the city of Bixby.

Section 4.6 Public Works Director: Minimum Qualifications

The public works director shall have a bachelor's degree in civil engineering, environmental engineering, public administration or other related degree from an accredited university. (Election 4-1-1997)

Annotation: Section 4.6 of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on April 1, 1997 and was thereafter approved by Francis Anthony Keating, Governor of the State of Oklahoma, on April 12, 1999. From December 16, 1993 until April 12, 1999, the following version of Section 4.6 was part of the Bixby City Charter:

"Section 4.6 Public Works Director: Minimum Qualifications

The Public Works Director shall have a minimum of eight (8) years of creditable experience. A candidate shall have a Bachelor's degree in Civil Engineering from an accredited university and have his (P.E.) professional registration for the State of Oklahoma, which shall constitute four (4) years of creditable experience. The candidate, within eighteen (18) months of hiring, shall also be required to obtain all operator's licenses and certifications required for the City of Bixby's utilities operation at the time of hiring. The remaining four (4) years of creditable experience shall be determined as follows:

(a) A candidate shall receive one (1) year of credit experience for a Master's degree in Civil or environmental engineering from an accredited university.

(b) A candidate shall receive one (1) year credit experience for each year of actual experience as a Public Works Director of a comparable sized city.

(c) A candidate shall receive two-thirds (2/3) of one year credit experience for each year of actual experience as an Assistant Public Works Director of a comparable sized city."

Section 4.7 Purchases, Sales and Asset Management

(a) The city manager, subject to any regulations which the council may adopt, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials, and equipment for the offices, departments, and agencies of the city government. Every such contract or purchase exceeding an amount to be established by the council and in accordance with state statutes, shall require the prior approval of the council. The city manager also may transfer to or between offices, departments, and agencies, or sell, surplus or obsolete supplies, materials, and equipment, subject to such regulations as the council may adopt.

(b) Before the purchase of, or contract for, any supplies, materials, labor, equipment, or construction contracts or the sale of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding, under such regulations as prescribed by state statutes and with such exceptions as the council may prescribe, shall be given, provided that:

1. Upon presentation to the city council of evidence that there is only one vendor for a particular purchase, the council may waive the requirement of competitive bids, provided, however, that such a waiver shall occur prior to the purchase, and that a vote of at least four -fifths (4/5) of the members of the council shall be required for such waiver.

2. The plans, specifications, data or other materials provided by any entity providing a professional service for the city of Bixby shall become the property of the

city of Bixby upon the delivery of those plans, specifications, data, or other materials to the city of Bixby.

(c) All purchases and all construction contracts, unless exempted by this Charter, must be competitively bid, and the city shall accept the lowest and/or best bid in accordance with bid documents, or shall reject all bids. This decision shall be publicly made and announced within thirty (30) days of the bid opening.

(d) The bid process shall include free and open competitive bidding. The procedure for competitive bidding shall follow guidelines as set forth by state statutes, or defined herein.

(e) If a contract is awarded to any bidder other than the lowest bidder, the city shall accompany its action with a publicized written statement setting forth the reasons why the lowest bid was not accepted.

(f) After a contract is awarded by the Council, then all change orders must be itemized in writing, and must be approved by the council; and any such change orders not so approved are not binding upon the city under any legal theory.

(g) The cumulative total of all change orders or addendums to any publicly bid purchase or construction contract shall not exceed the total amount allowed by state statutes.

(h) Any purchase or contract, if required to be competitively bid by the city, must likewise be competitively bid by any trust for which the city is beneficiary of fifty percent or more of the trust estate.

(i) The council may declare by a four-fifths (4/5) vote the existence of an emergency brought on by unforeseen or unexpected happenings or conditions which endanger the public health or safety. In such a declared emergency, the requirement for competitive bidding may be suspended.

(j) The council, any members of commissions, and any member of the administrative service is expressly prohibited from accepting directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where such is given for the use and benefit of the city.

(k) The council by ordinance may transfer some or all of the power granted to the city manager by this section to an administrative officer subordinate to the city manager.

(l) The council, by ordinance, shall establish an asset management control system and shall establish the minimum monetary limit for an item to be listed as an asset. All equipment, machinery and any items purchased, other than consumable supplies, must be given an asset number, which will be fixed to said item, and a permanent record be kept of that item, noting date of purchase, cost, and when the city disposed of such item and at what price. A permanent record form must be completed and signed by the department head, the city treasurer, the city

clerk, and the city manager at the time of purchase and disposal. A copy of the form must be kept by the city clerk for a minimum of five (5) years after the disposal of the asset. An annual inventory of assets is to be taken by the end of each fiscal year and a report, including any variances, be submitted to the council with proper justification of any shortages. The city manager shall be responsible for substantiating the existence of the items.

(m) Neither the council, the city manager, nor any administrative officer shall "split" a purchase, a contract, or a sale of any supplies, materials, equipment or other goods to circumvent the required competitive bidding process.

Section 4.8 Sale of Property Valued at More Than 5% of the Non Amended General Fund

The sale or lease of any city property, real or personal, including public utilities, or of any interest therein, the value of which is more than five percent (5%) of the non amended general fund budget may be made only (1) by authority of an affirmative vote of a majority of the registered voters of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of a special non-emergency ordinance and passed by four-fifths (4/5) of the council. Such ordinance shall be published in full in a newspaper(s) of general circulation within the city within ten (10) days before and ten (10) days after its passage, and shall include a section reading substantially as follows:

"Section. This ordinance shall be referred to a vote of the electors of the city if a sufficient and lawful referendum petition is properly filed within thirty (30) days after its passage; otherwise it shall go into effect thirty (30) days after its passage."

The sale of an entire public utility may be authorized only as provided in (1) hereinabove. The sale or lease of any city property shall comply with the city bidding procedures.

Section 4.9 Public Improvements

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided, that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. A contract for public improvements shall be awarded only to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as prescribed by state statute and this charter. All bids may be rejected, and further notice and opportunity for competitive bidding may be given.

Section 4.10 Fiscal Year

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

Section 4.11 Independent Annual Audit

The council shall designate a certified public accountant or accountants who shall make an independent audit of all accounts and evidences of financial transactions of the Department of Finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager. The audit will be performed in accordance with state statutes.

ARTICLE 5 DEPARTMENT OF LAW

Section 5.1 City Attorney

(a) The council shall appoint an officer of the city who shall have the title of city attorney. The city attorney shall be the head of the department of law, which shall oversee the municipal court and the city prosecutor's office.

(b) The city attorney shall be licensed to practice law in the state of Oklahoma and two (2) years experience in the field of governmental law is preferred. (Election 4-1-1997)

***Annotation:** Subsection 5.1(b) of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on April 1, 1997 and was thereafter approved by Francis Anthony Keating, Governor of the State of Oklahoma, on April 12, 1999. From December 16, 1993 until April 12, 1999, the following version of Subsection 5.1(b) was part of the Bixby City Charter:*

"(b) The City Attorney shall have the following minimum qualifications before an appointment may be offered by the Council:

- 1. The candidate shall be licensed to practice law in the State of Oklahoma; and*
- 2. The candidate shall possess a minimum of eight (8) years experience in the field of Oklahoma municipal law."*

(c) The salary or other compensation to be paid to the city attorney, as well as the date said payment is to be made, shall be fixed by the council.

(d) In addition to the powers, duties, and responsibilities which have been enacted pursuant to the Oklahoma constitution, state statutes, and city ordinances, the city attorney shall:

1. Serve as advisor to the council and the city manager on all legal questions;
2. Prepare written opinions for the council and city manager upon request;
3. Represent the city as attorney in all litigation for or against the city, in all courts and wherever jurisdiction may be, unless otherwise determined by the council;

4. Perform such other legal services on behalf of the city, its officers and employees, as may be required by the council when in accordance with state statutes;

5. Appoint all assistant city attorneys, subject to approval by a majority of the council.

6. Appoint the city prosecutor, subject to approval by a majority of the council.

(e) The appointment of the city attorney may be withdrawn at any time by a majority vote of the council.

Section 5.2 Municipal Court

The municipal court of the city of Bixby, as enacted by the constitution and laws of the state of Oklahoma, shall continue to function in the same capacity as it did under the Bixby city code prior to the enactment of this charter, unless so stated in this charter. The city clerk, or a designated individual thereunder, shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected.

Section 5.3 Municipal Judge

(a) the council shall appoint an individual(s) to serve as judge of the municipal court, with the official title of municipal judge. Such an appointment shall be made pursuant to the terms of the Bixby city code.

(b) The length of term for the municipal judge as well as provisions for removal from office, shall be governed by state statute.

(c) The salary or other compensation to be paid the municipal judge, as well as the date said payment is to be made, shall be fixed by the council.

(d) The court clerk, on behalf of the municipal judge, shall make a monthly report to the council, which report shall be submitted no less than five (5) days prior to the monthly council meeting. The report shall state the number of cases appearing before the court for the previous month, a numerical breakdown of the type of violations for which citations were issued, and the disposition of cases which have remained undisposed for a period of more than ninety (90) days.

(e) In addition to being licensed to practice law in the state of Oklahoma, the municipal judge shall possess a minimum of five (5) years actual legal experience before an appointment may be offered by the council;

(f) The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and the ordinances of the city of Bixby. The style of all processes shall be in the name of the city. The municipal judge may administer oaths and make and enforce all proper orders, rules and judgments.

(g) While under appointment, the municipal judge shall hold no other office or employment in the service of the city of Bixby.

Section 5.4 City Prosecutor

There shall be a city prosecutor, to be appointed by the city attorney, subject to majority approval of the council. The city prosecutor shall be responsible for representing the city in all criminal proceedings arising under the Bixby city code.

(a) A candidate for city prosecutor shall be licensed to practice law in the state of Oklahoma.

(b) The salary or other compensation to be paid to the city prosecutor, as well as the date said payment is to be made, shall be fixed by the counsel.

ARTICLE 6 ELECTIONS

Section 6.1 Term of Office

(a) Unless otherwise provided for by law, the term of office of an elected municipal official shall be four (4) years. The term of office of an elected official shall begin at 12:00 noon on the second Monday following the general municipal election, and such official shall serve until his successor is elected and qualified. If a newly elected official does not qualify within thirty (30) days after his term of office begins, the office shall become vacant and shall be filled in the manner provided by law. In order to complete the unexpired term, the office of an official who is holding over shall be filled at the next general election in compliance with the provisions of section 16-101 through section 16-213 of title 11 of the Oklahoma Statutes.

(b) All city elections shall be conducted on a non partisan basis. No declaration of candidacy or ballot shall contain any party emblem, sign, or designation, and there shall be nothing thereon to indicate any affiliation of the candidate.

(c) Each of the five council members shall be elected from their ward by votes cast only by qualified voters residing within that ward. (Election 11-7-2006)

***Annotation:** Subsection 6.1(c) of the Charter of the City of Bixby, Tulsa County, Oklahoma, as it now reads, was voted upon and approved by the qualified electors of the City of Bixby on November 7, 2006 and was thereafter approved by Brad Henry, Governor of the State of Oklahoma, on January 4, 2007. This amendment was submitted to the voters by initiative petition. From December 16, 1993 until January 4, 2007, the following version of Subsection 6.1(c) was part of the Bixby City Charter:*

"(c) Each of the five council members shall be elected at large in the general election as required by this Charter."

Section 6.2 Wards: Number; Equal; Etc.

- (a) There shall be five wards, which shall be numbered from one to five.
- (b) The wards shall be formed of compact contiguous territory, and shall be substantially equal in population.
- (c) Redistricting shall be enacted according to state statute.

Section 6.3 General Election Laws of the State Adopted

General and special elections for council members, and in all notices, canvass of returns, and all proceedings whatever relating to said elections, the general laws of the state applicable to municipal elections are hereby adopted and put in full force and effect, except as the same may be modified herein.

Section 6.4 General Election: Time, Who Elected

A general election shall be held every year in the city on the 1st Tuesday in April to elect the council members to succeed those whose terms will expire in the respective year. Every registered voter may vote for one candidate in each ward. The candidate from each ward receiving the greater number of votes, shall be elected. Should a tie occur, the council member shall be determined by lot during a public meeting before the county election board.

Section 6.5 Registered Voters

The term registered voter as used in this charter means a person who has the qualifications prescribed for voters by the state constitution and law, and who is registered as may be required by law.

Section 6.6 Elections: When Not Held

If there are no candidates, or only one candidate, and no questions to be voted upon at a primary or general election, the election shall not be held.

Section 6.7 State Constitution and Law to Govern

The provisions of the state constitution and law applicable to city election, shall govern such elections in this city insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE 7 RECALL

Section 7.1 Recall Authorized

Any councilmember may be recalled from office by the registered voters qualified to vote for the election of a successor to the incumbent, in the manner provided in this article.

Section 7.2 Recall Petition

(a) To initiate a recall proceeding, a written statement proposing the recall of a councilmember shall be signed by a minimum of five percent (5%) of the registered voters of the city, but shall not require more than 500 signatures, and shall be filed with the city clerk. An incumbent must have held office at least six (6) months before a written statement may be initiated. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred words. Within five days, the city clerk shall mail a copy of such statement by registered, certified, or similar special mail to the officer at his residential address. Within ten days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.

(b) The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL," and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL". The two statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

(c) The petition must be signed by 20% of the registered voters of the city. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred signatures may appear on a single copy of the petition. Petitions may be circulated only by registered voters of the city; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered voter of the city.

(d) The circulated petition shall be filed with the city clerk not later than one month after the filing of a copy as provided above. Within one month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered voters of the city have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect. But, if the city clerk's certificate states that the petition has been

prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting.

Section 7.3 Recall Election: Council to Order

(a) The council, by resolution or ordinance passed within one month after receiving the petition and certificate of the city clerk, shall order and fix the date for recall election, which shall be held not less than forty days, nor more than fifty days, after passage of the resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper of general circulation within the city within ten days after its passage; and such publication shall be sufficient notice of the election.

(b) More than one recall election may be held on the same day.

Section 7.4 Recall Election: How Held

(a) The recall election shall be an election to fill the office held by the incumbent sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The successful candidate must qualify within one month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the council are filled. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not again be initiated against him within one year after the election.

(b) The provisions of this charter relating to city elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this article.

Section 7.5 Person Recalled or Resigning

A person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, may not hold a position of employment in the Bixby city government within three years after his recall or resignation.

ARTICLE 8 OFFICERS AND EMPLOYEES GENERALLY

Section 8.1 Qualifications of Officers and Employees

Officers and employees of the city shall have, as a minimum, the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for councilmembers.

Section 8.2 Nepotism

Neither the city manager, the council, nor any other authority of the city government, may appoint or elect any person related to any councilmember, to the city manager, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government, and as more specifically defined by state statute. This shall not prohibit an officer or employee already in the service of the city from continuing and being promoted therein.

Section 8.3 Holding More than One Office

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one office in the city government. The city manager may hold more than one such office, through appointment by himself, by the council, or by other city authority having power to fill the particular office, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices. Also the council by ordinance may provide that the city manager shall hold ex officio designated offices subordinate to the city manager as well as other designated compatible city offices, notwithstanding any other provision of this charter.

Section 8.4 Bonds of Officers and Employees

The city manager, the city treasurer, and such other officers and employees as the council may designate, before entering upon their duties shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 8.5 Oath or Affirmation of Office

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk's office.

Section 8.6 Who May Administer Oaths and Affirmation

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the municipal judge or judges, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Section 8.7 Removal, Etc., Of Officers and Employees

The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; and the city manager, or other appointing or electing authority at any time may lay off,

suspend, demote, or remove any officer or employee to whom he, or the other appointing or electing authority respectively may appoint or elect a successor.

Section 8.8 Acting Officers and Employees

The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability, or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The council by general ordinance may provide for deputy to act in such cases.

Section 8.9 Officers to Continue Until Successors are Elected or Appointed and Qualify

Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Section 8.10 Conflict of Interests

(a) Neither the mayor, any other councilmember, nor the city manager shall sell or barter anything to the city or to a contractor to be supplied to the city; or make any contract with the city; or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any such officer violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council. This subsection shall not apply in cases in which the city acquires property by condemnation.

(b) The council by ordinance or personnel rules, and in accordance with state statutes, shall further regulate conflict of interests and ethics of officers and employees of the city.

Section 8.11 Feminine Gender

When the masculine gender is used in this charter, it shall also include the feminine gender.

ARTICLE 9 AMENDMENT AND SEVERABILITY CHARTER

Section 9.1 Amendment: Proposal, Ratification, Approval

This charter may be amended by proposals therefor submitted by the council, or by the council upon initiative petition of the electors as provided by the state constitution, at a general or special election, ratified by a majority of the registered voters voting thereon, and approved by

the governor as provided by the state constitution. If more than one amendment is proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the voters may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

Section 9.2 Severability

(a) If a court of competent jurisdiction holds any section or part of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part.

(b) If a court of competent jurisdiction holds any section or part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

ARTICLE 10 SUCCESSION IN GOVERNMENT

Section 10.1 When Charter Goes into Effect

This charter shall go into effect immediately upon its ratification by a vote of a majority of the registered voters of the city voting upon the question at an election and its approval by the governor as provided by the state constitution. The government created by this charter shall supersede the heretofore existing government as to that time.

Section 10.2 Officers and Employees to Continue

When this charter goes into effect, the present councilmembers shall continue in office as provided by this charter. All other officers and employees under the present government (including members of all boards and commissions) shall continue in their respective offices and positions of employment under the terms of this charter.

Section 10.3 Effective Date of New Form - First Elections - Transition of Officers

(a) Upon approval of this charter, the council shall make provisions for the division of the city into five wards as instructed by state statute. Said division shall be completed no later than thirty (30) days prior to the first date that a candidate may file to run for the office of city councilmember for the general election to be held in 1994.

(b) Councilmember terms during transition (the first term of office) shall be as follows:

1. Ward 1 councilmember shall be elected for a four (4) year term at the general election of 1997.

2. Ward 2 councilmember shall be elected for a four (4) year term at the general election of 1997.

3. Ward 3 councilmember shall be elected for a four (4) year term at the general election of 1995.

4. Ward 4 councilmember shall be elected for a four (4) year term at the general election of 1994.

5. Ward 5 councilmember shall be elected for a two (2) year term at the general election of 1994.

(c) The existing councilmembers shall complete the remainder of their respective terms until the date established in 10.3b. Each councilmember's term after the initial transition shall be for four (4) years as defined in this charter.

Section 10.4 Charter Amendments - Procedure

This charter may be amended pursuant to the Oklahoma state statutes in general, and specifically, title 11, section 13-111 and all succeeding amendments thereto.

Section 10.5 Pending Actions and Proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.